

Memorandum

To: Subcommittee on Interim Strong Mayor
From: James Ingram
Re: Proposed Charter Language for the Ninth Council District and Redistricting
Date: August 1, 2007

Per the Subcommittee's request for charter language creating a Ninth Council District, I have drafted the following for your consideration:

Proposed Charter Language for a Ninth Council District

Section 270: The Council

(a) The Council shall be composed of nine (9) Council members elected by district, and shall be the legislative body of the City.

"(j) The City shall be redistricted, as soon as practicable, to establish the additional district required by this section. Such redistricting process shall follow the terms prescribed by Section 5.1."

Staff Discussion

Is it better to use the "as soon as practicable" language, or should the Charter establish a date certain by which the City must be redistricted to provide for the additional Council member(s)?

We will also need to alter Sections 4 and 5.1 of the Charter, as they refer to the Council being composed of 8 districts. In addition, we would need to alter Section 10 of the Charter to add the ninth district among the odd-numbered Council district elections.

Proposed Charter Language for Redistricting

Section 5. Redistricting.

In the event that any voting precinct which may be established at the time this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly. **The redistricting following the receipt of the final Federal Decennial Census information of 2010 shall be completed no later than December 31, 2013 and shall take effect on January 1, 2014.**

Thereafter, the City shall be redistricted pursuant to section 5.1 of this Charter at least once in every ten (10) years, but no later than nine months following the receipt of the final Federal Decennial Census information.

[The remaining two paragraphs of Section 5 shall remain as they are in the Charter at present.]

Staff Discussion

Does delaying the Redistricting until 2013 create any potential Voting Rights Act issue, such as the Minority Vote Dilution considered in *Thornburg v. Gingles* or in the retrogression-related litigation that followed the decision? Or has this all been addressed in cases such as *Shaw v. Reno*?

If the redistricting is delayed, and the redistricting of 2009 will obviously not be able to take the 2010 Census into account, could the City potentially violate the one person-one vote mandate established by *Baker v. Carr* and *Reynolds v. Sims*?

If delaying the redistricting is legal, then is 2013 the date to do it, or is another later date to be preferred? A 2009 redistricting could be ideal, due to the effect of term limits on the Council in 2010. How will the choice of 2104 play out in those terms?